

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Currently, claims 1, 3-35 and 47-64 remain pending in the present application, including independent claims 1, 27, and 47. For example, independent claim 1 is generally directed to mechanically treating broke containing cellulosic fibers and a latex polymer to form fiber aggregates. The latex polymer is present in the broke from about 1% to about 60% by weight. The fiber aggregates have an average size of from about 0.5 to about 6 millimeters. A first portion of said fiber aggregates are coated with said latex polymer, and a second portion of said fiber aggregates remain relatively free from said latex polymer. The mechanical treatment comprises pulping said broke in a pulper.

In the Office Action, claims 1, 3-8, 14, 19-25, 47-52, 57, and 60-64 were rejected under 35 U.S.C. § 102(b) or, in the alternative, § 103(a) in view of U.S. Pat. No. 5,277,758 to Brooks, et al. in view of Webster's Dictionary and U.S. Patent No. 3, 250,666 to Clark, et al. Brooks, et al. is directed to a method of recovering plastic (polyethylene) from polymeric waste mixed with paper and other contaminants. Col. 1, lines 17-20. The method produces pellets comprising less than about 10 weight percent water and from about 5 weight percent to about 10 weight percent cellulosic fiber. Col. 4, lines 18-21. Also, the method can produce "spit balls" of cellulosic fiber separated from the plastic material. Col. 7, lines 55-61.

Brooks, et al. discloses that plastic coated waste or plastic waste mixed with paper can be removed from a hydropulper. Col. 1, lines 16-20. The plastic coating waste removed from the hydropulper typically comprises from about 6 to about 33

weight percent paper. This plastic waste is the material subjected to the method disclosed by Brooks, et al. in order to provide the plastic pellets. Col. 2, lines 48-59.

First of all, Applicants respectfully submit that this plastic waste material is significantly different from the broke treated by the methods of independent claim 1, 27, and 47. As one of ordinary skill in the art would recognize, broke refers to the waste product generated from scrap material accumulated during the production of paper products, such as products that do not fall within the manufacturer's specifications or from excess remaining after completion of the finished product. See, e.g., Paragraph 1. When present, the latex polymer may comprise from about 1% to about 60% by weight of the broke. Paragraph 5. This broke is significantly different from the plastic waste material described by Brooks, et al. According to Brooks, et al., the plastic waste material comprises from about 6 to about 33 weight % paper. Thus, the plastic is the significant portion of the waste material. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to use the process of treating a waste product having relatively small amounts of cellulosic fibers, such as according to Brooks, et al., to treat broke having relatively higher amounts of cellulosic fibers.

Furthermore, the treatment method according to Brooks, et al. does not involve pulping. While the plastic waste material is provided from a hydropulper, it is not subjected to a pulping process during the recycling process. According to Brooks, et al., the plastic waste is shredded by a size reduction unit and conveyed to a first rotary screen for the removal of dust and dirt. Col. 5, lines 37-68. Then, the polymeric material is mechanically hammered and rubbed to separate a portion of cellulosic material from the polymeric waste material. Col. 6, lines 1-5. Brooks, et al. further

discloses that the polymeric film and cellulosic fiber can be wetted with an amount of water sufficient to coat the surfaces of the film or plastic material conveyed to the tub grinder to mechanically hammer and rub the wetted waste material.

Thus, Brooks, et al. fails to disclose or even suggest the use of a mechanical treatment that comprises pulping broke in a pulper. As explained above, Brooks, et al. discloses the size reduction and sifting of the polymeric waste film through a rotary screen. Then, Brooks, et al. discloses hammering and rubbing the shredded material. However, Brooks, et al. does not disclose pulping of the plastic waste material in order to separate the plastic material from cellulosic fibers and other contaminants.

Additionally, Brooks, et al. provides no teaching of a method that provides fiber aggregates coated with a latex polymer, as required by claims 1, 27, and 47. Brooks, et al. discloses that the products of their methods are (1) plastic pellets comprising less than about 10 weight percent water and from about 5 weight percent to about 10 weight percent cellulosic fiber (Col. 4, lines 17-20) and (2) "spit balls" of cellulosic fiber (Col. 7, lines 59-60). However, Brooks, et al. completely fails to teach that fiber aggregates coated with the latex polymer.¹ Nowhere does Brooks, et al. teach or suggest that their plastic pellets are fiber aggregates of cellulosic fibers coated with latex polymer. In fact, the entire purpose of Brooks, et al. is directed to separating the two types of polymers, not providing a fiber aggregate of cellulosic fiber coated with a latex polymer.

¹ Applicants also note that the Office Action defines "latex polymer" as encompassing polyethylene polymers. Applicants response herein should in no way be construed as an acquiescence to the propriety of this definition.

In contrast, independent claims 1, 27, and 47 require that fiber aggregates be formed such that a first portion of the fiber aggregates are coated with the latex polymer and a second portion of the fiber aggregates are relatively free from the latex polymer.

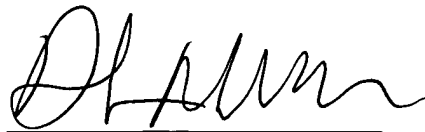
Applicants respectfully submit that Brooks, et al. simply fails to recognize or even address the problems associated with recycling broke containing a latex along with the paper fibers. For example, the latex can be used as a creping adhesive applied to one surface or both surfaces of the paper product. Applicants point out that dependent claim 9 has been amended to require that the latex polymer be an adhesive latex. Brooks, et al. does not address this type of latex polymer.

Thus, it is believed that the present application is in complete condition for allowance and favorable action, is therefore requested. Examiner Kinney is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.



Alan R. Marshall
Registration No. 56,405

DORITY & MANNING, P.A.
P. O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

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